

VIDEOCONFERENCING AND THE KENTUCKY GENERAL ASSEMBLY



**Report of the Subcommittee on Teleconferencing
Interim Joint Committee on State Government
(1998 Senate Resolution 176)**

Research Report No. 287

LEGISLATIVE RESEARCH COMMISSION
Frankfort, Kentucky
November 1999

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FOREWORD

Senate Resolution 176 of the 1998 Kentucky General Assembly requested the formation of a subcommittee of the Interim Joint Committee on State Government to study teleconferencing of legislative meetings and chamber activity. Consequently, a Subcommittee on Teleconferencing was formed, and it proceeded to meet six times over the 1998-1999 interim to examine the issues involved and to make recommendations. This report summarizes the activities of the subcommittee, and sets forth recommendations for the cautious expansion of the use of teleconferencing by suggesting a pilot project for the 2000-2001 interim. A complete description of the work of the subcommittee follows.

The minutes of the meetings of the Subcommittee on Teleconferencing can be obtained from the Legislative Research Commission Library, New Capitol Annex, Frankfort, KY 40601.

The following LRC employees provided staff assistance to the Subcommittee on Teleconferencing: Clint Newman, Lowell Atchley, John Cook, Mac Lewis, Bill Phelps, Wanda Turley, and Rita Ratliff. The Subcommittee also appreciates the assistance of Jim Swain, Tim Lowry, and the Office of Computer and Information Technology staff.

Robert Sherman
Director

The Capitol
Frankfort, Kentucky
October, 1999

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Introduction

When American scientist and educator Alexander Graham Bell patented his amazing telephone in 1876, it would have been beyond his wildest dreams to envision that those same telephone lines would eventually be used to transmit video pictures as well as sound. Even more unimaginable would be the suggestion that the Kentucky General Assembly would use telephone lines to enable members and guests to attend legislative meetings from remote sites in Kentucky, rather than to physically travel to the seat of government, our Capitol in Frankfort, Kentucky. Technological advances have turned the unimaginable into reality. This Report will examine the potential use of videoconferencing by the Kentucky General Assembly.

1998 Senate Resolution 176

1998 SR 176 (Appendix A) requested that the Interim Joint Committee on State Government form a subcommittee to study the feasibility and cost-effectiveness of using teleconferencing to conduct interim and standing committee meetings and session chamber activities. The Committee was to report its findings and recommendations to the Legislative Research Commission no later than September 1, 1999. The study completion date was later extended by LRC to the end of the 1998-99 interim.

Consequently, the Legislative Research Commission appointed a Subcommittee on Teleconferencing to conduct a study of the use of teleconferencing by the Kentucky General Assembly. The Subcommittee met six times over the course of the interim. It soon became evident to the Subcommittee that the topic for study should more properly be called "videoconferencing", as opposed to "teleconferencing", the term used in the Resolution. "Tele" implies the use of a telephone, and voice communications only. "Video" is more descriptive, since it makes it clear that the Subcommittee is to study more than just listening and participating in meetings by telephone. The directive is to study technology involving live pictures and voice, where members can see and hear each other as meetings are conducted. Therefore, all future references to the topic in this report will be termed "videoconferencing."

After being briefed on the relatively short history of the use of videoconferencing by the Kentucky General Assembly, after learning about and witnessing demonstrations of the latest videoconferencing technology, and after surveying Kentucky General Assembly members and the legislatures of other states (all to be discussed at length in this report),

the Subcommittee decided to recommend that the General Assembly move forward with the use of videoconferencing, but to do so with caution.

Recommendations of the Subcommittee on Teleconferencing

The Subcommittee on Teleconferencing of the Interim Joint Committee on State Government finds that videoconferencing, under certain conditions, is a viable means of conducting meetings of all kinds, and is under-utilized by the Kentucky General Assembly. It is a technology that is continually and rapidly improving, and has the potential of being an even more useful, if not essential, tool of both business and government. Although its use by the General Assembly should be expanded, the legislature should be cautious and deliberate in adapting to the new technology. Therefore, the Subcommittee on Teleconferencing recommends the following:

- The Legislative Research Commission (LRC) should implement a single pilot project using videoconferencing technology.
- LRC should designate one subcommittee, preferably a subcommittee that does not meet on the same day as its parent Interim Joint Committee, to make available up to five videoconferencing sites throughout the Commonwealth that can be used by subcommittee members to attend meetings, in addition to the primary videoconferencing site in Frankfort.
- Subcommittee members should have the option of attending the subcommittee meeting at a remote site of their choosing, or by travel to the primary meeting site in Frankfort. Members should, however, indicate their preference for attending the remote meeting locations in time for necessary preparations to be made.
- Subcommittee members and LRC staff should receive appropriate training before remote meetings are convened.
- Subcommittee meetings should be scheduled and remote videoconferencing sites should be reserved well in advance of subcommittee meetings.
- All requirements of Kentucky's Open Meetings and Open Records laws should be observed at all meeting sites.
- The "pilot project" subcommittee should communicate regularly with the Interim Joint Committee on State Government and LRC regarding their experience with holding meetings via videoconferencing, and should offer its recommendation as to whether videoconferencing should be expanded to other meetings.
- The "LRC Policy on Intramembership Videoconferenced Committee Meetings," which permits committees to conduct videoconferenced meetings under certain conditions, should be re-adopted for the 2000-2001 Interim.

- Interim Committees should be encouraged to use videoconferencing to bring in expert testimony from witnesses who would otherwise have to travel great distances, resulting in greater convenience for the witnesses, and savings of travel expenses.
- The Director of the Legislative Research Commission should direct appropriate staff to keep abreast of improvements in videoconferencing technology, and to make periodic reports to the Interim Joint Committee on State Government.

History of Legislative Research Commission Videoconferencing

The Legislative Research Commission installed a video conference system in Room 131 of the Capitol Annex in March of 1994. The LRC video conference system enables the Kentucky General Assembly to connect into the Kentucky Tele-Linking Network (KTLN) through the Division of Information Systems, located in Frankfort. Through KTLN, national and international video conferences are also possible, through access to the Sprint video conference network. The Sprint network allows, literally, for world-wide videoconferencing. In June, 1995, the Legislative Research Commission added a downlink satellite dish to the video conference system. This satellite receiving dish enables LRC to have access to a large volume of educational and informational programming. It is able to receive all Ku band and C band signals. This programming has been used a number of times for staff training and has been used for training sessions by other state agencies. The majority of the sessions used so far have come through the facilities of PBS. In 1998 this system was upgraded to allow receipt of digital transmissions.

The video conference room has five ceiling-mounted 25-inch monitors, one 13-inch monitor mounted under the testimony table (viewable through a glass in the table-top) and a monitor in the control cabinet. The room is equipped with two fully automatic cameras (one on each side of the room, pointed toward the members' seats), and one fixed unit (focused on the witness table). The system has the ability to display slides, run and record video and set up charts and graphs on the system. The video conference is a V Tel system with a mediamax 486 based codec, with pen pal graphics, picture in picture option, smart cams, and V Tel document camera with stand. An audio bridge in the system enables the system to connect by telephone when video connections are not possible. Through the audio bridge members can still receive information from persons unable to make the trip to Frankfort, or let those unable to attend to listen in on the meeting.

The first video conference was conducted on March 14, 1994, for the Labor and Industry Committee. The committee was connected to four sites, Owensboro, Paducah, Ashland, and Hazard, from which the Committee received testimony in regards to the issue of Workers' Compensation. There were eight video conferences during the first year, including a conference in December for the Business Organizations and Professions Committee. This conference also utilized four sites and dealt with charitable gaming. Additionally, in 1994 and 1995, the system was used by the Task Force on Domestic

Violence on five different occasions, using varying degrees of the technology. The audio bridge was used both during the hearings on concealed weapons and domestic violence.

Video conferences were utilized eight times in 1994, seventeen times in 1995, four times in 1996, 39 times in 1997 (although 33 of these times were for other than legislative committees), seven times in 1998, and seven times through October 6, 1999. Since the LRC video conference room was established, it has been used 40 times for satellite downlinks. These statistics do not reflect the times when the facilities have been used for slides or graphics presentations (such as Powerpoint) to committees or for the showing of training or issue-related videos or miscellaneous usage. A good argument can be made that the advanced technology and videoconferencing capability available in the LRC Teleconferencing Room has been under-utilized by the Kentucky General Assembly committee system.

The Kentucky Tele-Linking Network (KTLN)

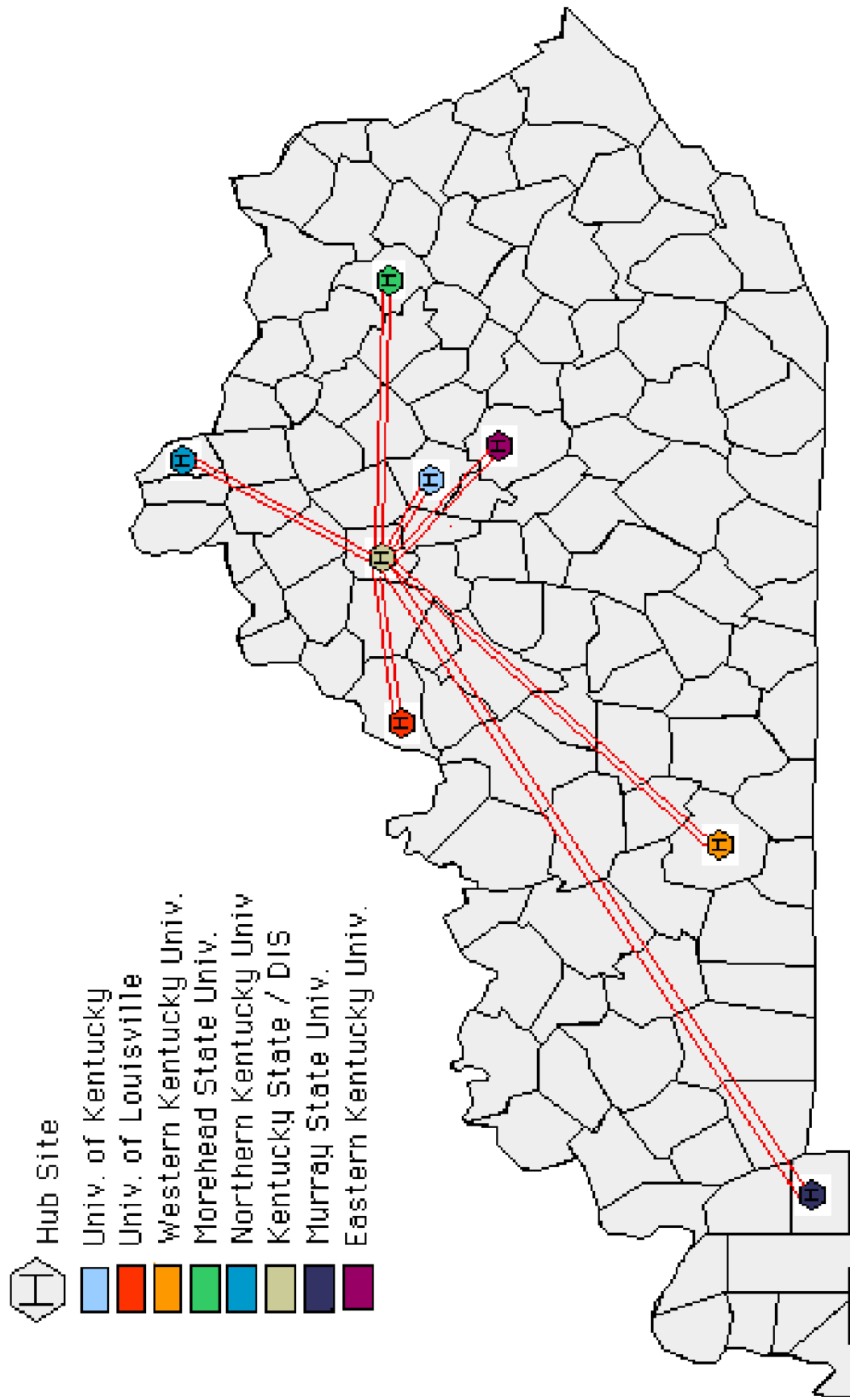
The Kentucky Tele-Linking Network is comprised of eight video networks (hub sites). These hub sites are located with the Division of Information Systems/Kentucky State University, University of Kentucky, University of Louisville, Western Kentucky University, Morehead State University, Northern Kentucky University, Murray State University and Eastern Kentucky University. Through these hub locations, there are now over 160 KTLN video conference sites available in Kentucky.

The KTLN was originally designed as a means of extending the campuses of our state universities. Sites have been added to accommodate the needs of our K-12 public schools, and state agencies. The KTLN network switching equipment and scheduling is handled by the Finance and Administration Cabinet's Department of Information Systems. Coordination of KTLN sites and fiscal management are handled by Kentucky Educational Television in Lexington.

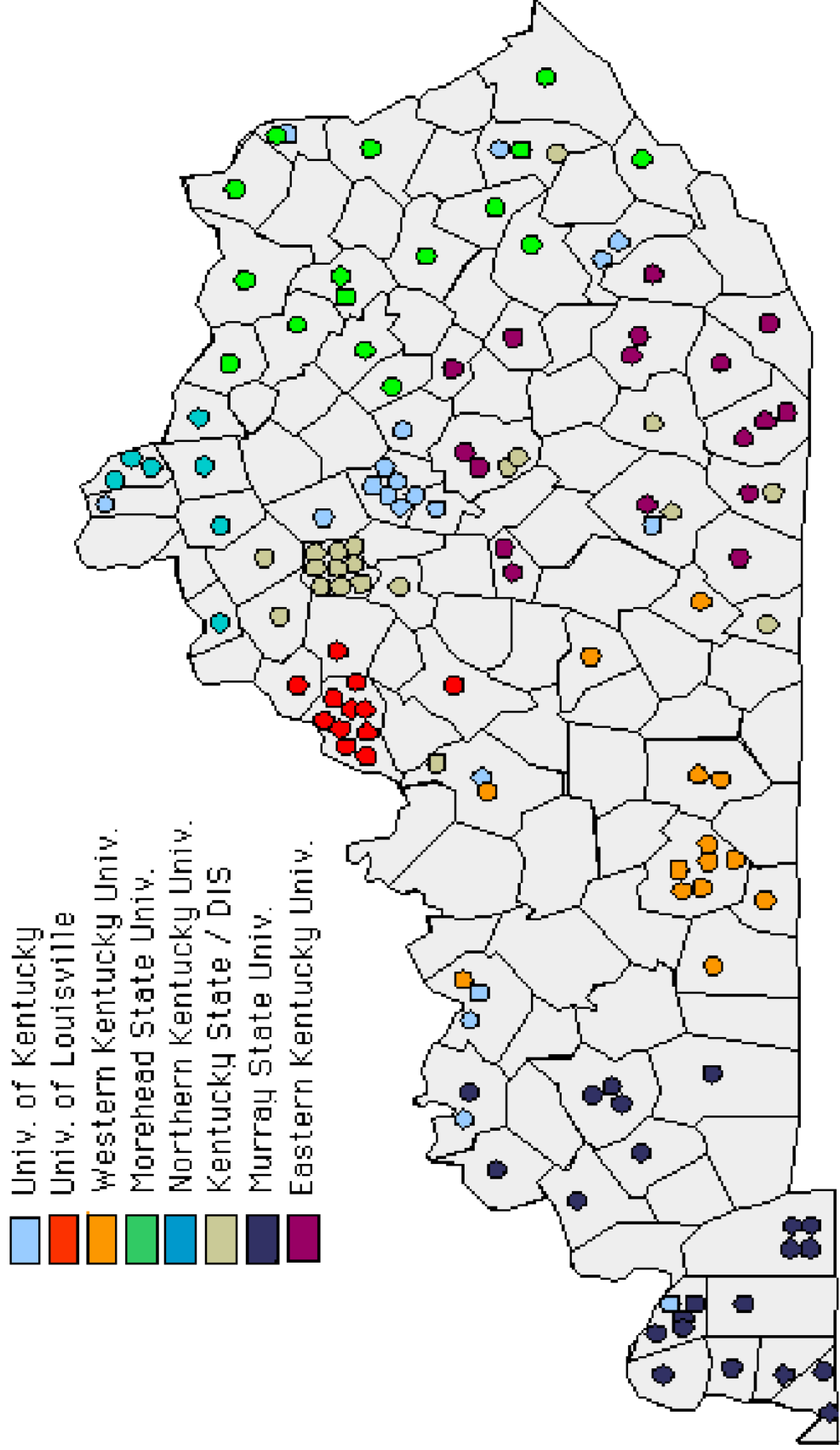
The following two maps show the distribution of KTLN hubs and individual videoconferencing sites throughout the Commonwealth. It is evident that there is a KTLN site relatively close to most Kentucky communities, and, consequently, close to most members of the General Assembly.

Note: For additional information on the Kentucky Tele-Linking Network, please see the following Internet addresses: <<http://www.ket.org/KTLN>>, <<http://www.state.ky.us/agencies/emgtech/video0.htm>>

KTLN HUB SITES



KTLN SITES BY HUB



LRC Policy on Intramembership Videoconferenced Committee Meetings, Pilot Project for the Current Interim

With the LRC Teleconferencing Room becoming operational in 1994, and with the KTLN operational as a communications network, the Legislative Research Commission realized the need for a policy on teleconferenced meetings. At its April 2, 1997 meeting, an "LRC Policy on Intramembership Videoconferenced Committee Meetings, Pilot Project for the Current Interim" (Appendix B) was adopted. Although the policy has not been actually re-adopted for subsequent interims, it is considered to still be in effect.

The LRC policy on videoconferencing specifically authorized videoconferenced meetings of interim committee meetings, but set limits and conditions that had to be met, and required authorization of the meetings by the Legislative Research Commission. The more important components of the policy are briefly summarized as follows:

1. Meetings must be approved by LRC upon the request of committee co-chairs;
2. Maximum number of sites is five;
3. Only two videoconferenced meetings per committee per interim, subcommittee meetings counting toward maximum number of meetings;
4. LRC committee staff and committee staff secretary are to be at Frankfort site, and if the Chair attends via a remote site, LRC staff must also be at the remote site;
5. Public notice of meeting sites required; all meetings to be open to the public;
6. Roll call votes required (no voice voting).

1994 Amendments to Kentucky's "Open Meetings" Laws

With the LRC Teleconferencing Room being installed and the LRC Videoconferencing Policy being adopted in 1994, the 1994 General Assembly amended the "Open Meetings" law to recognize videoconferencing of state government meetings (Appendix C). The amendments authorize public agency meetings to be held via "video teleconference" (another term for teleconference or videoconference), and: (1) Require that notices clearly state that the meeting will be a video teleconference; (2) Require that notices identify the video teleconference locations and a primary location, if applicable; (3) Impose the same procedures regarding participation, distribution of materials, and other matters to video teleconferences as for any other meeting; and (4) If an interruption of the broadcast at any location occurs, require that the video teleconference be suspended until the broadcast is restored.

Use of Videoconferencing During the 1998 Kentucky General Assembly Session

Shortly prior to the 1998 Session, it became evident that a Senator would make history by becoming the first Kentucky legislator to give birth during a Session of the Kentucky General Assembly. Not wanting to miss any General Assembly action or votes while recuperating at home after the baby was born, the Senator sought to participate in Session meetings and to vote on the floor via a videoconference from her home in Louisville, Kentucky.

Attorney General's Opinion OAF 97-37

An Attorney General's Opinion was requested (Appendix D) by the Director of the Legislative Research Commission, asking whether a legislator may participate in floor proceedings during a Session by videoconference.

The answer was "no", based on a Kentucky case which held that municipal legislative bodies may not vote by telephone, and based on Sections 37 and 43 of the Kentucky Constitution. The Attorney General held that the quorum provision of Section 37 requires that a member be actually present at the Session in order to be counted for quorum purposes, and that a phrase which authorizes each House to "compel the presence of absent members" implies that an actual presence is necessary. Additionally, the Attorney General found that Section 43, which grants General Assembly members a privilege from arrest during their attendance of legislative Sessions, is patently inconsistent with a constructive presence by videoconference.

The Attorney General did not opine on participating in Session committee meetings via videoconference, it being understood that this was a matter which fell within the jurisdiction of the rules of the Senate and House of Representatives.

1998 Senate Resolution 21

1998 Senate Resolution 21 (Appendix E). proposed to amend Senate rules to permit a member of the Senate to participate and vote in committee meetings and vote via videoconference if the member experiences a short-term physical condition that prevents the member from traveling to Frankfort. A physician's statement is required, the illness or incapacity must prevent travel for at least one, but not more than four weeks, the member must pay all expenses, and the Rules Committee must approve the member's request for a videoconferencing connection. The Resolution was adopted 28-4 on January 12, 1998, and the Senator took steps to install videoconferencing equipment in her home. The Senator made newspaper headlines nationally, and was visited by local television news as she rested at her home, and attended several meetings by way of videoconference. The Senator was also able to watch (but not participate in) Senate floor action by means of a Kentucky Educational Television feed transmitted over the telephone lines installed for videoconferencing.

1998 Senate Bill 329

1998 Senate Bill 329 (Appendix F) proposed an amendment of the Kentucky Constitution, Section 46, to permit a member of the General Assembly who has a physician-certified temporary physical condition to participate, make motions, and vote on bills before the General Assembly by videoconference. The Bill was referred to the Senate State and Local Government Committee, but was never considered by the committee.

Subcommittee on Teleconferencing Deliberations

Videoconferencing

The Subcommittee on Teleconferencing, after organizational meetings and the development of a rough work-plan, devoted an entire meeting to a demonstration of the LRC Teleconferencing Room and the Kentucky Tele-Linking Network (KTLN). This session was conducted by the Director of the Telecommunications Division and Network Services of the Department of Information Systems (IDs), and the Director of the Kentucky Tele-Linking Network and Program Operations of Kentucky Educational Television, who was present via remote videoconferencing site at the Lexington Community College.

The previously described videoconferencing system worked well, with good audio and video quality. The speakers suggested that any problems that may be experienced will be mainly logistical in nature, such as finding rooms that are not in use for educational purposes, and scheduling them sufficiently in advance of meetings. Most KTLN videoconferencing rooms charge \$50 per hour. All Kinko's copy centers nationwide have videoconferencing capabilities, although their cost is considerably higher.

Internet Videoconferencing

Internet videoconferencing was also demonstrated to the Subcommittee. Internet videoconferencing differs from traditional videoconferencing in that it sends audio and video over the Internet, utilizing a personal computer, with the video displayed on a computer monitor rather than on a television screen. All that is needed is a reasonably powerful computer, Windows 95 or better, a modem, a sound/video card, a monitor, videoconferencing software, a microphone, a "baseball sized" PC camera, and Internet access. The camera is available for under \$100, and, although other software is available, the demonstration featured Microsoft NetMeeting videoconferencing software, which is free and can be easily downloaded from the Internet. NetMeeting has other collaboration features, which may be useful in communications between staff and legislators, but would have little usage in committee settings.

The demonstration featured a conversation with an LRC staff member located at his home computer in Louisville. The audio/video quality was reasonable, but the picture

was not as good as traditional teleconferencing over telephone lines. Internet videoconferencing is a very effective tool for electronic meetings between individuals, but it is not particularly effective in a committee environment. However, more sophisticated software can be purchased, and the technology is continually improving. The progress of Internet videoconferencing should be carefully monitored for possible use.

Internet Broadcasting

Although it is not true videoconferencing, the Subcommittee witnessed a demonstration of Internet broadcasting. Internet broadcasting is simply a means of broadcasting sound and images (one-way) over the Internet. Internet broadcasting of General Assembly meetings or sessions would enable anyone with a personal computer and Internet access, anywhere in the world, to watch and listen to the Kentucky General Assembly in action, *live*. Like Internet videoconferencing, the picture and sound are not “television quality”, but the quality is acceptable, and individuals would be afforded the opportunity to actually see and hear General Assembly proceedings. The demonstration featured an Internet broadcast of the Interim Joint Committee on State Government, which was in progress in an adjoining room. A viewer anywhere in the world, with the correct Internet address, could have viewed the same meeting.

Home viewers would need a pentium class personal computer, a 56k modem, a sound/video card, speakers, Internet access, and appropriate software. Microsoft NetMeeting software is free, and easily downloadable from the Internet. Real Audio/Video software is also available, free, via the Internet. If the General Assembly were to broadcast over the Internet, some additional equipment would be required, but the cost would not be prohibitive. The Kentucky Educational Television cameras and equipment could pick up the activities to be broadcast. The LRC Teleconferencing Room could also be utilized to broadcast meetings. It would, however, be expensive for LRC to “archive” (record) meetings to be available for playback on demand by Internet users.

Survey of Kentucky General Assembly Members on Videoconferencing

Kentucky General Assembly members were surveyed on their experience with the use of videoconferencing. (Appendix G) Fifty-nine Kentucky legislators responded. About three fourths of Kentucky legislators have witnessed videoconferencing, and of that number, 17% have used it several times, and 44% have used it a few times. Most of this experience can be attributed to either their legislative or personal business experience. Additionally, committee meetings involving other legislators, educational or training sessions, and committee meetings involving witnesses at a remote location have accounted for most of the situations in which videoconferencing was used.

Although 15% thought that videoconferencing is not very effective as a means of communication, 22% think it is very effective, and 37% think it is somewhat effective (25% did not respond). Levels of satisfaction, generally, mirrored assessments of

effectiveness. The four top perceived advantages of videoconferencing are: (1) Reduced travel time (39 responses); (2) Reduction in travel cost (31 responses); (3) Enabled more people to participate (27 responses); and (4) Brought together groups from diverse areas (24 responses).

The top four perceived disadvantages of videoconferencing are: (1) No eye-to-eye contact between participants (30 responses); (2) Loss of informal conversations, camaraderie (26 responses); (3) Predetermined length of time making for a lack of spontaneity (11 responses); and (4) Poor television picture or audio reception and/or transmittal (10 responses). Kentucky legislators think that videoconferencing increases access to constituents, but reduces access to lobbyists, the media, and other legislators. Access to special interest groups would not change.

In response to the question "Should videoconferencing be limited during the interim?", 53% said "yes", 27% said "no", and 20% did not respond. The top four proposed uses of videoconferencing during the interim were testimony of expert witnesses (41 responses), public viewing of meetings (31 responses), committee deliberations, including voting (14 responses), and committee deliberations, except voting (7 responses).

Fifty six percent of responses favored limiting videoconferencing by standing committees, while 27% favored no limits, and 17% did not respond.

In response to the question "Should the use of videoconferencing be expanded for interim and standing committees?", 34% said yes to both, 32% said no to both, 19% had no opinion, 8% said "for the interim only", 2% said "for standing only", and 5% did not respond. Thirty five respondents did not favor using videoconferencing in chambers during Sessions, eight favored use for medical reasons only, eight favored use on an unlimited basis, seven favored use on a limited basis, five favored use if the legislator agrees to pay expenses incurred, and two did not respond.

Multistate Survey on the Use of Videoconferencing

All 50 state legislatures were surveyed to determine the extent of their usage of videoconferencing, and their satisfaction with videoconferencing as a means of conducting legislative meetings. (Appendix H) Two-thirds (33 out of 50) of the nation's legislatures responded. About two-thirds of the state legislatures who responded have videoconferencing facilities or capabilities. Eight legislatures have a videoconferencing room, eight have a portable system, 15 use facilities provided by another agency, and one contracts with an outside vendor. The top four uses of videoconferencing are: (1) Committee meetings involving state legislators (12 states); (2) Committee meetings involving witnesses testifying from a remote location (12 states); (3) Educational or training sessions (9 states); and (4) Public hearings (8 states). Videoconferencing is used primarily to reduce travel time, and to enable more people to participate.

No state surveyed permits voting by videoconference in chamber during Sessions, three permit voting in Session committee meetings, and eight permit voting in interim committee meetings. Although Nevada did not respond to the survey, it is known to have

videoconferencing capability within its Senate and House Chambers, and it places no restrictions on its usage.

States responding have used videoconferencing for an average of three years, with a maximum of an eight year usage, and a minimum of five months. All states feel that videoconferencing provides more access between legislators and constituents, lobbyists, special interest groups, media, and other legislators. General satisfaction with videoconferencing is good, with only two states dissenting. Of the 12 states responding who do not have videoconferencing, only two plan to obtain videoconferencing capabilities. Only two states use Internet videoconferencing.

Note: The National Conference of State Legislatures has published an "NCSL Legisbrief" entitled Remote Voting in Legislatures. (Appendix I)

Formulating the Recommendations

After the demonstrations described above and the reporting and discussion of survey results, the Subcommittee on Teleconferencing began to focus on recommending a pilot project for the 2000-2001 interim of the Kentucky General Assembly. The Subcommittee realized that videoconferencing can be a valuable tool for state government but that there are some problems and concerns, both real and perceived, that will need to be addressed. Scheduling rooms at sites available to the Kentucky Tele-Linking Network may be difficult, due to the need for use of these facilities by our educational institutions. The cost savings are difficult to calculate without knowing the extent to which legislators will choose to utilize the remote locations. And, it may be a bit soon to expect all General Assembly members to embrace the concept of teleconferencing. Therefore, the Subcommittee formulated the recommendation of a suggested pilot project, as set out earlier in this report. It is hoped that the monitoring of this pilot project will give well reasoned guidance to the future use of videoconferencing by the Kentucky General Assembly.

Minutes from the six meetings of the Subcommittee on Teleconferencing can be obtained from the LRC Library, New Capitol Annex, Frankfort, KY 40601.

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